

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed May 20, 2004. Claims 1-30 are pending in the Application and stand rejected. Applicant amends Claim 8 to correct a typographical error. Additionally, Applicant adds new Claims 31-60 which are fully supported by the Application as originally filed. Applicant respectfully requests reconsideration and favorable action in this case. Additionally, as the Examiner chose not to enter Applicant's Response to the Final Office Action, the Examiner's rejections therein are addressed again here.

**Section 112 Rejections**

In the Final Office Action, the Examiner rejected Claims 1, 8, 14, and 21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner asserts that "[s]pecification of the instant application discloses base station of foreign network using device identifier of mobile unit, acquired by detection of mobile unit in foreign network. . ." *Office Action*, p. 2. Moreover, according to the Examiner:

[s]pecification of instant application then immediately discloses that because foreign agents may register with home agent at any time, home agent and foreign agent may establish tunnel in advance of mobile unit roaming into foreign network thus supporting a virtually seamless handoff mobile unit into foreign network. See pages 9-11 of specification. In the method disclosed in above identified independent claims, based station receives device identifier of mobile unit and, as disclosed in specification, this is done by base station detecting presence of mobile unit in network. Examiner respectfully points out this subsequently discloses mobile unit has roamed into foreign network."

*Office Action*, p. 2-3.

Applicant, however, respectfully contests the Examiner's reading of the specification. Applicant notes that the specification as originally filed clearly indicates that "station 22 detects mobile unit 24 when mobile unit 24 moves into *or near* a service area of foreign network 18." *Application*, p. 9, ll. 8-10, emphasis added. Additionally, the specification states that "[b]ecause foreign agents 20 may register with home agent 14 at any time, home agent 14 and foreign agent 20 may establish a tunnel *in advance of* mobile unit 24 roaming

into foreign network 18.” *Application*, p. 11, ll. 3-5, emphasis added. Therefore, the Examiner’s conclusion that “this subsequently discloses mobile unit has roamed into foreign network” does not follow from the specification. For at least these reasons, the Application as originally filed supports the limitation(s) of “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1. Thus, Applicant respectfully traverses this rejection. Although Claim 1 differs in scope from Claims 8, 14, and 21, the application as originally filed supports the limitations of Claims 8, 14, and 21 for substantially similar reasons to those discussed for Claim 1.

**Claim Rejections – 35 U.S.C. §102**

In the Final Office Action, the Examiner rejected Claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,137,791 issued to Frid, et al. ("*Frid*"). Claim 1 recites:

A method for supporting data communications comprising:  
receiving a device identifier from a mobile unit;  
determining a home agent for the mobile unit based on the device identifier;  
requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent, wherein the subscription information comprises an internet protocol (IP) address for the mobile unit; and  
initiating registration of the foreign agent with the home agent, wherein the registration permits the foreign agent to receive redirect packets from the home agent, the redirect packets containing information for communication to the mobile unit.

*Frid* fails to teach, either expressly or inherently, every element of Claim 1. As Applicant noted previously, *Frid* does not disclose "requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent" as recited by Claim 1. In addressing this element, the Examiner merely asserts that "Frid et al. teaches method of said claims as it discloses base station receiving mobile identification number, identifying home agent and IP address of mobile unit in order to set up tunnel between home and foreign agents before a data communication session for mobile unit has been started just as disclosed by specification of instant application." *Advisory Action*, p.2. Applicant respectfully notes that the Examiner inaccurately paraphrases Claim 1 and, in doing so, improperly ignores the plain language of Claim 1. Moreover, the fact that the Examiner believes that *Frid* operates "just as disclosed by specification of instant application", an assertion the Applicant respectfully contests, does not in any way eliminate the need to examine Claim 1 based on the actual language of that claim. Applicant respectfully notes that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Applicant respectfully notes that the Examiner has failed to consider all words in rejecting Claim 1. Furthermore, *Frid* does not

disclose “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1.

Additionally, *Frid* is not merely silent with respect to this element, *Frid* in fact expressly excludes this element from its teachings. As noted previously, *Frid* states that “[w]henever a particular mobile station travels into a particular geographic area, a base station (BS) 30 serving, that geographic area transmits identification data informing the mobile station of the current location.” Col. 4, ll. 29-32. Additionally, *Frid* notes that “[u]tilizing such identification data, the mobile station 20 realizes that it has traveled into a new geographic area being covered by a new visited mobile switching center (VMSC) 40 and performs a registration.” Col. 4, ll. 32-36. As a result, *Frid* clearly excludes the possibility of the system of *Frid* “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1.

Thus, *Frid* fails to teach, expressly or inherently, every element of Claim 1. Furthermore, the limitations recited by Claim 1 are fully supported by the Application as originally filed. Claim 1 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 8, 14, 21, and 26 include elements that, for reasons substantially similar to those reasons discussed with respect to Claim 1, are not taught, either expressly or inherently, by the cited references. Additionally, as discussed above, Claims 8, 14, 21, and 26 are also fully supported by the Application as originally filed. Claims 8, 14, 21, and 26 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 8, 14, 21, and 26 and their respective dependents.

**New Claims**

Applicant adds new Claims 31-60 which are fully supported by the Application as originally filed. Claim 31 recites:

detecting, at a base transceiver station, a mobile unit;  
determining, in response to detecting the mobile unit, a home agent for the mobile unit based on a device identifier of the mobile unit;  
requesting, by the base transceiver station, subscription information from the home agent, wherein the subscription information comprises an internet protocol (IP) address for the mobile unit; and  
initiating registration of a foreign agent with the home agent, wherein the foreign agent is associated with a foreign network, and wherein the registration permits the foreign agent to receive redirect packets from the home agent, the redirect packets containing information for communication to the mobile unit.

*Frid* fails to teach, either expressly or inherently, every element of new Claim 31. *Frid* fails to teach “determining, in response to detecting at the base transceiver station the mobile unit, a home agent for the mobile unit based on a device identifier of the mobile unit;”

As *Frid* indicates:

Whenever a particular mobile station travels into a particular geographic area, a base station (BS) 30 serving that geographic area transmits identification data informing the mobile station of the current location. Utilizing such identification data, the mobile station 20 realizes that it has traveled into a new geographic area being covered by a new visited mobile switching center (VMSC) 40 and performs a registration. Therefore, an associated mobile identification number . . . is transmitted to the serving base station 30. The serving base station 30, in turn, forwards the received registration request to the VMSC 40 serving that geographic area.

Utilizing the received mobile identification number, the VMSC 40 then identifies a home location register (HLR) 50 associated with the mobile station 20.

*Frid*, col. 4, ll. 28-45.

Thus, to whatever extent the system of *Frid* may be viewed as “determining . . . a home agent for the mobile unit[,]” the system of *Frid* determines the home agent after receiving at the VMSC a registration request from the mobile station. *Frid* does not “determine, in response to detecting the mobile unit, a home agent for the mobile unit” as recited by Claim 31.

As a result, *Frid* does not recite, either expressly or inherently, every element of Claim 31. Claim 31 is thus allowable for at least this reason. Applicant respectfully requests consideration and full allowance of new Claim 31 and its dependents.

Although of differing scope from Claim 31, new Claims 38, 44, 51, and 56 include elements that, for reasons substantially similar to those reasons discussed with respect to Claim 31, are not taught, either expressly or inherently, by *Frid*. Claims 38, 44, 51, and 56 are thus allowable for at least these reasons. Applicant respectfully requests consideration and full allowance of Claims 38, 44, 51, and 56, and their respective dependents.

**Conclusion**

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of \$110.00 is enclosed to cover the fee for the 1 month extension of time and a check in the amount of \$1,770 is attached to cover the RCE filing fee and additional claims. No other fees are believed to be currently due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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